

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

.....

ANTONIO BROADNAX,

Petitioner,

-v.-

**9:09-CV-0464
(GLS) (GHL)**

HAROLD D. GRAHAM, Supt.,

Respondent.

.....

APPEARANCES:

FOR THE PETITIONER:

ANTONIO BROADNAX

Petitioner, *pro se*

FOR THE RESPONDENT:

HON. ANDREW M. CUOMO
New York State Attorney General
120 Broadway
New York, NY 10271

PAUL B. LYONS, Esq.
Assistant Attorney General

GARY L. SHARPE
UNITED STATES DISTRICT JUDGE

DECISION and ORDER

Presently before this Court is a request filed by petitioner *pro se* Antonio Broadnax to voluntarily dismiss this action without prejudice to his filing a new petition pursuant to 28 U.S.C. § 2254 after he has fully exhausted in the state courts all claims he may assert in support of any future request for federal habeas intervention. *See* Dkt. No. 13.¹

The Court grants such request.

¹ Petitioner has suggested that he intends to file a *coram nobis* application with the New York State Supreme Court, Appellate Division, Fourth Department. *See* Dkt. No. 13.

Broadnax is advised to *promptly* file any collateral challenge(s) to his conviction in the state courts, and, after fully exhausting any such proceeding(s), he should then *promptly* file a new § 2254 petition in this District challenging his state court conviction if, at that time, he seeks federal habeas intervention.


WHEREFORE, it is hereby

ORDERED, that petitioner's request to dismiss this action without prejudice for the reasons stated above (Dkt. No. 13) is **GRANTED**, and it is further

ORDERED, that the Clerk of the Court serve a copy of this Order on the parties.

IT IS SO ORDERED.

Dated: July 17, 2009


United States District Court Judge